

REMARKS--General

Although at first glance US patent 4,613,273 by Wagner appears to show similar structures to this instant invention, a claim by claim review of the components reveals that claims 3-8 still distinguish themselves over this newly cited prior art.

Claim 3 refers to an "an independent tightening module", so named because of its ability to be "easily insertable into an existing winch" (see page 10, 3rd paragraph of the description). As further evidenced by figures 14-17, the module is totally independent from any mechanical fastening means, relying mostly on the engagement of the J-lock (208) onto the flange (28). The shape and functionality of the J-lock (208) is substantially different than part (62) of the 273 patent. The J-lock (208) is a temporary retaining structure, while part (62) of the 273 patent is a permanent fixture. Indeed, part (62) is mechanically fastened, by way of a bolt in the drawings, to part (45). Moreover, the parts that Examiner has renamed "key stem" and "lock" in the 273 patent appear to be mechanically attached together by way of a pin. The key stem (204) of this instant invention is configured to freely engage with a lock found on a standard winch, in the context of this instant invention, this means that the key stem is not mechanically fastened to the lock but merely frictionally engaged.

Claim 4 simply puts a limitation on the shape of the key stem. This limitation further distinguish the key stem over the cited prior art.

Claim 5 describe structures totally absent from the 273 patent. The 273 patent does not have anything remotely related to "a circular key stem adaptor configured and sized to fit over said polygonal key stem and said circular key stem adaptor configured and sized for a circular lock;

said circular key stem adaptor having a key adaptor hole through which is inserted a pin passing through an existing lock hole."These structural elements which can hardly be considered mechanical equivalents nor could they be considered to be obvious to one versed in the art. The "pin passing through an existing lock hole" serves to hold together two otherwise rotating elements (circular key stem adaptor and circular lock) rather than lock together two essentially flat elements (273 patent) that would not need any pin, being that they are essentially flat, much like a flat screwdriver interfacing with a slotted screw head.

Claims 6 and 7 put further limitations on claims 4 and 5 that rely on structures essentially absent or substantially structurally different in the 273 patent.

Claim 8 referring to a method of use on an invention containing elements recited in claim 3, and, by dependence, claim 1 as well, describes a method of use that can only describe this instant invention since the structural elements are very different than those found on the 273 patent.

Essentially, the independent tightening module of this instant invention is a self contained module which is moved from winch to winch in order to tighten a plurality of cargo tie down winches as are normally found in the trucking industry. The specification fully discloses the risks and dangers now present in the trucking industry and explains how this instant invention can solve the problem. Without the benefit of 20/20 hindsight and unsuggested modifications, the 273 patent cannot do what this instant invention can accomplish. Although the problem in the trucking industry, in regards to the tightening of cargo straps is known, there does not appear to be a suitable solution, therefore the solution proposed by this instant invention must not be that obvious.